

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

STATE OF SOUTH CAROLINA,)

SOUTH CAROLINA DEPARTMENT OF)
HEALTH AND ENVIRONMENTAL CONTROL,)

and)

SAVANNAH RIVER MARITIME)
COMMISSION,)

Plaintiffs,)

v.)

C/A No. 1:19-cv-3132-RMG

UNITED STATES ARMY CORPS OF)
ENGINEERS;)

UNITED STATES ARMY CORPS OF)
ENGINEERS, SAVANNAH DISTRICT;)

RYAN MCCARTHY, in his official capacity as)
Secretary of the Army;)

LT. GENERAL TODD T. SEMONITE, in his)
official capacity as Commanding General and)
Chief of Engineers, U.S. Army Corps of Engineers;)

MAJOR GENERAL DIANA M. HOLLAND, in)
her official capacity as Commanding General,)
South Atlantic Division, U.S. Army Corps of)
Engineers;)

and)

COLONEL DANIEL H. HIBNER, in his)
official capacity as District Engineer, U.S.)
Army Corps of Engineers, Savannah District,)

Defendants.)

PLAINTIFF'S ANSWERS TO LOCAL RULE 26.01 INTERROGATORIES

- (A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of that interest.

Response: None.

- (B) As to each claim, state whether it should be tried jury or nonjury and why.

Response: Nonjury. These are all legal claims.

- (C) State whether the party submitting these responses is a publicly-owned company and separately identify: (1) any parent corporation and any publicly-held corporation owning ten percent (10%) or more of the party's stock; (2) each publicly-owned company of which it is a parent; and (3) each publicly-owned company in which the party owns ten percent (10%) or more of the outstanding shares.

Response: Not applicable.

- (D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). *See* Local Civil Rule 3.01.

Response: The location of a portion of the property at issue is in Aiken County.

- (E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which *may be* related regardless of whether they are still pending. Whether cases *are* related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

Response: This action is directly related to the matter captioned as *Savannah Riverkeeper, et al., v. U.S. Army Corps of Engineers, et al.*, civil action 9:12-610-RMG. This action concerns a mitigation component of the same project litigated in that action and includes a cause of action for violating the May 29, 2013 settlement order of Judge Gergel in the related case. This action also involves overlapping plaintiffs and defendants, as this is an action by the State of South Carolina and its agencies against the same Federal defendant agencies and officers (*i.e.*, the U.S. Army Corps of Engineers and its officials).

- (F) [*Defendants only.*] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

Response: Not applicable.

- (G) [*Defendants only.*] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

Response: Not applicable.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

Alan Wilson, Fed. Bar No. 10457
Robert D. Cook, Fed. Bar No. 285
T. Parkin Hunter, Fed. Bar No. 2018
**ATTORNEY GENERAL FOR
THE STATE OF SOUTH CAROLINA**
Post Office Box 11549
Columbia, South Carolina 29211-1549
agwilson@scag.gov
agrcook@scag.gov
phunter@scag.gov
(803) 734-3970

s/Chad N. Johnston
Randolph R. Lowell, Fed. Bar No. 9203
Chad N. Johnston, Fed. Bar No. 10813
WILLOUGHBY & HOEFER, PA
133 River Landing Drive, Suite 200
Charleston, South Carolina 29492
rlowell@willoughbyhoefer.com
cjohnston@willoughbyhoefer.com
(843) 619-4426

*Attorneys for the State of South Carolina, Savannah
River Maritime Commission, and South Carolina
Department of Health and Environmental Control*

Stephen P. Hightower, Fed. Bar No. 9591
**SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
CONTROL**
2600 Bull Street
Columbia, South Carolina 29201
hightosp@dhec.sc.gov
(803) 898-3350

*Attorney for South Carolina Department of Health
and Environmental Control*

November 4, 2019
Columbia, South Carolina